



Docket No. 60,469-021
OT-4718

AF 8652
4/24/03
#12

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Wesson, et al.
Serial No.: 09/648,016
Filed: 08/25/2000
Group Art Unit: 3652
Examiner: Tran, Thuy Van
Title: ELEVATOR ROLLER GUIDE AND RAIL ASSEMBLY

REPLY BRIEF

Box AF
Assistant Commissioner of Patents
Washington, D.C. 20231

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Dear Sir:

This is responsive to the Examiner's Answer mailed on February 12, 2003.

The claimed "surface characteristic" language is clearly supported by the specification and drawings as originally filed and is readily understood by one skilled in the art who has the benefit of Appellant's application. The Examiner contends that "it is not clear whether the surface characteristics are different in structural, materials or frictional." The either-or question posed by the Examiner is a red herring. The claimed surface characteristics encompass any or all of those, therefore, there is no ambiguity.

The rejections based upon the *Spiess* reference must be reversed. The Examiner's stated basis relies upon "varying the filling pressure" or using "different fillings as per Fig. 2a." Neither of these approaches has anything to do with the *surface* of the track in *Spiess*. Instead, they are restricted to *interior* changes and do not provide a different surface (i.e., *exterior*) as claimed.


The Examiner provides no motivation in connection with the rejections under 35 U.S.C. §103. Without proper motivation, there is no *prima facie* case of obviousness. Appellant's opening brief sufficiently elaborates on the several, separately dispositive, reasons why there is no proper legal motivation in this case.

All rejections should be reversed. All claims are allowable.

Respectfully submitted,

CARLSON, GASKEY & OLDS, P.C.

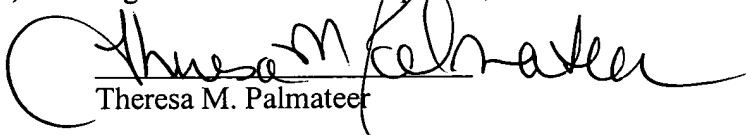
April 10, 2003
Date



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CERTIFICATE OF MAIL

I hereby certify that the enclosed **Reply Brief** (in triplicate) is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Box AF, Assistant Commissioner of Patents, Washington D.C. 20231 on April 10, 2003.



Theresa M. Palmateer

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